

# Advice to High-Sheriffs

ABOUT

## Taking the Poll of *Clergy-Men* at County-Elections.

**S**ince the *Clergy* of *England* not only are a dead Weight at Elections for *Knights of Shires*, but are so many *Solicitors* in every *Parish*, for such as are most likely to carry on their *separate Interest*; it has been no more than requisite to shew, in the Observations upon one of their *Circular Letters*, That if they keep to the sense of their *Church* express'd in the *Homilies*, they cannot be true to this Government. Nor ought a Man to omit the Observation, That many of them who have sworn *Allegiance* to our present *King* and *Queen*, declare, That they did it with such a reserve, as permits them still to believe the late *King* to be their *Sovereign Lord*; and consequently, That it is their Duty to promote his *Interest* in all things consistent with *Self-preservation*. But all this Caution not being enough to draw off misled Men from their *Party*, 'tis now become a Duty to one's Country, to shew, That tho many of their *Party* have *Legal Voices* in the Choice of *Parliament-men*, yet They themselves have none.

I. They never pretended to it, nor was it in the least looked on as lawful in the time of the *Lord Coke*, who speaking of the *Procuratores Cleri*, the *Proxies* of the *Clergy*, says,

"Some have thought, that because the *Clergy* were not *Party* to the Election of the *Knights, Citizens, and Burgesses*, That those *Procuratores Cleri* were appointed to give their consent for them; but then they should have had *Voices*, which *questionless* they never had.

In another place he says,

"None of the *Clergy* are eligible to be *Knights, Citizens, or Burgesses* of *Parliament*, because they are of another *Body*, viz. of the *Convocation*.

Let any one shew why this should be a good reason against their being chosen

to sit in *Parliament*, and yet not equally serve against their choosing *Representatives*.

II. The Statutes 8 and 10 H. 6. upon which the *Clergy* found their Right, as having Forty Shillings per *Annum* Freehold-Estate, can give them no colour; because,

1. The Statutes speak of such as have Forty Shillings a Year Freehold, which implies having it in their own Rights; whereas the *Clergy* are seized of their Livings only in the Right of the *Church*, whose Rights are provided for by the *Convocation*.

2. The Statutes are not enabling, but restraining Statutes; And whereas, before, all who owed Suit and Service to the County-Court had *Voices* at Elections, if their Income were never so small, the Statutes confine the Right to such as have Forty Shillings per *Annum* Freehold, where the Right of Election must in the nature of the thing be limited to such as are of the *same Body* with that which is to be represented in *Parliament*.

3. It is supposed to be of such as were obliged to attend at the County-Courts, the Notice there being all that the Law ever required, though the late interposition of the *Clergy* has occasioned the Proclaiming the Day and Place of Elections in the Churches: but the *Clergy*, I dare say, will be loth to own that they are obliged to attend at the County-Courts.

It is therefore advisable for the Sheriffs to take the Poll of *Clergy-men* by themselves, that if the *Dead Weight* cast the Ballance, it may be left to the Judgment of the *Parliament*, Whether they have Right to Vote, or no?

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